

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 18-21 are pending in the present application, Claims 14-17 having been canceled without prejudice or disclaimer, and Claims 18-21 having been added. Support for new Claims 18-21 is believed to be self-evident from the originally filed specification.¹ Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 14-17 were rejected under 35 U.S.C. §103(a) as unpatentable over Saeki et al. (U.S. Patent No. 6,078,727, hereinafter Saeki) in view of Gotoh et al. (U.S. Patent No. 6,282,365, hereinafter Gotoh); and Claims 14-17 were rejected under the judicially created doctrine of obviousness-type double patenting.

Initially, it is noted that new Claims 18-21 are based on the allowed claims from Application Serial No. 11/484,696, which was recently allowed. Application Serial No. 11/484,696 is listed on a terminal disclaimer filed herewith.

New Claim 18 is patentable over Saeki and Gotoh. New Claim 18 recites, *inter alia*,

said control information describes the movie AV file
information table M_AVFIT, the still picture AV file
information table S_AVFIT, the original program chain
information table ORG_PGCI, the user defined program chain
information table UD_PGCIT, the text data manager
TXTDT_MG, and the manufacturer's information table MNFIT
in this order.

Saeki and Gotoh, taken alone or in proper combination, do not disclose or suggest these elements of Claim 18.

New Claim 18 defines that the control information describes the movie file
information table M_AVFIT, the still picture AV file information table S_AVFIT, the

¹ See, for example, Figs. 3, 4, 6, 30, 31, 32 and 33, and page 102, lines 9-19, and page 140, lines 12-17 of the originally filed specification

information of the original program chain information ORG_PGCI, the user defined program chain information table, the text data manager TXTDT_MG, and the manufacturer's information table MNFIT in this order. Thus, the M_AVFIT is arranged first in the claimed order. This early arranged M_AVFIT includes the TM_ENT containing the VOB_ENTN. From this, a controller can grip the number of VOB entries in an early stage of reading the RTR_VMG from the disc just loaded in the disc drive.

The outstanding Office Action relies upon Figs. 7-10 of Saeki to show the claimed "control information." However, Figs. 7-10 of Saeki do not disclose or suggest the claimed "said control information describes the movie AV file information table M_AVFIT, the still picture AV file information table S_AVFIT, the original program chain information ORG_PGCI, the user defined program chain information table UD_PGCIT, the text data manager TXTDT_MG, and the manufacturer's information table MNFIT in this order."

Furthermore, Gotoh does not disclose or suggest the claimed "said control information describes the movie file information table M_AVFIT, the still picture AV file information table S_AVFIT, the information of the original program chain ORG_PGC, the user defined program chain information table, the text data manager TXTDT_MG, and the manufacturer's information table MNFIT in this order."

In view of the above-noted distinctions, Applicants respectfully submit that Claim 18 patentably distinguishes over Saeki and Gotoh, taken alone or in proper combination. New Claims 19-21 recite features similar to those recited in new Claim 18. Thus, Applicants respectfully submit that Claims 19-21 patentably distinguish over Saeki and Gotoh, taken alone or in proper combination, for at least the reasons stated for Claim 18.

With respect to the double patenting rejections, a suitable Terminal Disclaimer is filed herewith. It is noted that paragraph 12 of the Office Action lists both application serial numbers 11/501,891 and 11/501,881. Application serial number 11/501,881 is believed to be


a typographical error and is not listed on the Terminal Disclaimer.² It is also noted that both application serial numbers 11/501,766 and 11/501,739 are listed in paragraph 14 of the Office Action. Both 11/501,766 and 11/501,739 are listed on the Terminal Disclaimer.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Accordingly, in view of the present amendment and the previous discussion, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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² This serial number refers to an application that does not have a common assignee with the present application.